IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
SECOND APPEAL NO.459 OF 2004

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.S.A.Walimbe i/b Mr.R.V.More for the Appellant
Ms Leena Patil i'b Mr.P.M.Pradhan for Respondent Nos.2A to 2D.

CORAM: A.S.OKA, J.
DATED: JULY 25, 2006.

P.C.:

1. Heard the learned Advocate for the Appellant. The Appellant is the original Defendant. The Trial Court decreed the suit by passing the decree of declaration that the sale deed executed in favour of the Appellant was invalid and was not binding on the original Plaintiffs. A prayer of injunction was also made by the original Plaitiffs and same was also granted.

2. The learned Advocate for the Appellant submitted that original Plaintiffs have not discharged their burden of establishing that the sale deed in

question was without consideration and was fraudulent. He submitted that there was no burden on the Appellant to prove that the sale deed was legal and valid.

3. I have considered the submissions. After appreciating the oral and documentary evidence on record, the Trial Court recorded a finding that the Plaintiffs have established that the sale deed executed in favour of the Appellant was without consideration and was fraudulent. The said finding of fact has been confirmed by the Appellate Court. In view of the concurrent findings of fact, no fault can be found with the impugned Decrees. No substantial question of law arises. Second Appeal is dismissed with no order as to costs.

Judge.